

CARSON CITY DAILY APPEAL

VOL. L 25 Cents per Week

CARSON CITY, NEVADA

MONDAY EVENING, SEPTEMBER 22, 1913

Five Cents per Copy

No. 261

Gleanings and Political
Forecasts Among LawyersAppeal Man Takes a Flyer
at Predictions Politically
Little Legal Pick Ups

A Georgian was on trial, charged with a crime not entirely dissimilar to the crimes for which Caminetti and Diggs have been convicted. The evidence was clear and positive. His attorney refused to argue the case believing it would do more harm than good. So, the defendant argued his own case about as follows:

"Say, John Smith, we have known each other for about 25 years, and I know you about as well as you know me." He addressed each member of the jury separately in the same way, and concluded his address by saying: "Now is the time for our kind of men to stand in." They stood in, and he was acquitted.

Addressing the jury at Genoa during the trial of State of Nevada against Fritz Elkes, being an action for malicious mischief in taking down and carrying away a house situated in Pinet, Geo. Springmeyer, assistant counsel for the State, perpetrated the following "bull."

"Now, gentlemen of the jury, suppose a burglar entered an empty house and carried away all the silver ware," etc. Counsel for defendant repeated the words slowly, and no one enjoyed the "bull" any better than Mr. Springmeyer.

It is rumored that Geo. Bartlett will seek the Democratic nomination for District Judge of the district comprising Storey, Ormsby and Douglas, and that George L. Sanford will seek the Republican nomination for the same office, and it is likely that these two will be opposing candidates, unless Judge Langan should seek renomination from the district, instead of from the district comprising Lyon and Churchill counties, it being rumored that he will prefer that district. Judge French will doubtless be a candidate for election for the district comprising Lyon and Churchill counties. It is practically certain that Judge Coleman of White Pine will seek the Democratic nomination for the Supreme Bench, it being equally certain that Judge Talbot will not seek a renomination for the same office. Candidates for that office are really too numerous to mention, as are

candidates for Governor, and, in fact, for all other offices within the gift of the dear people. They are feeling their way and they will "do right as God gives them the light," and if you don't believe them ask 'em—before election. The candidates are insisting that their friends insist that the "peepul" are insisting upon their nomination and election, and that they are taking no part in the canvass, but they sacrifice their personal interests to serve the public.

The case of Morrison and wife against Champagne and wife, being a suit involving water rights in and to School House Canyon Creek, which flows (when it is not dry) through the town of Genoa, and recently tried before Judge Langan and a jury, has been transferred to Virginia City for arguments upon law points only, and the same will be heard before Judge Langan on Monday, October 3, at 1:30 p. m. The jury in said case rendered a general verdict in favor of defendants, and rendered a special questions with reference to facts which plaintiffs claim are in their favor, and upon which the judgment and decree of the Court should be based, irrespective of the general verdict. These several contentions will be argued and submitted. It would thus appear that precious little progress, if any, has yet been made in the case.

In the case above referred to State Engineer Kearney has decided that plaintiffs had the right to extend their flumes to prevent loss and seepage water, but the jury, in their general verdict decided that they had no such right, and this brings a conflict between the office of State Engineer and the general verdict of the jury. Judge Mark R. Averill of Nye County, has recently decided that the A. C. creating the office of State Engineer is constitutional, and within the powers of the Legislature to create the office. In the case above referred to the state Engineer decides one way, and the jury by its general verdict, only, decides the other way. So let 'em fight.

HOW ABOUT
TRIPS TO RENO

How are the people of this City going to be able to take in the State Fair at Reno this week and return to their homes? That query has been asked of the Appeal several times. Many signify their wish of going but do not like to have to remain in Reno all night. It has been suggested that the railroad company arrange a motor schedule so that Carsonites may be able to remain in Reno until after the races, returning home in the evening. If this is not practicable every day it seems that it should be done at least part of the time during the week.

Thus far the railroad company has not announced any special schedule or rates.

ANOTHER DEATH

There died at the County Hospital William Summers, formerly in business at Round Mountain and Tonopah, Nevada. Mr. Summers leaves a daughter, Mrs. Russell Cooke of Miller, Nevada. The funeral will take place Tuesday, September 23, at place yet to be determined.

THE JUDGE
RETURNS

Chief Justice Norcross and wife, who have been touring the East, were met at the arrival of the express this morning by a veritable reception committee of relatives and friends.

The Judge and Mrs. Norcross announce themselves as pleased beyond measure at again being on their native heath and express delight at the enjoyable trip they have had since leaving.

The Judge was in attendance at the gathering of legal lights in Montreal where he was honored by being assigned one of the leading papers before the convention.

At the conclusion of the Montreal conference Judge and Mrs. Norcross visited friends throughout the entire East and spent sometime in Washington, D. C.

FUNERAL NOTICE

The funeral of the late Matthew Howard will take place from the home at Empire to-morrow (Tuesday) at 2 o'clock p. m., Rev. H. H. McCreery, officiating. Interment in the Empire cemetery. Friends and acquaintances invited.

Nevada Divorce Laws
The Best in The UnionNew York Lawyer Defends
the Excellent Nevada Laws
New York Laws are Bad

The following is an interview with Oscar J. Smith, formerly of Nevada but now of the New York bar, printed in the Brooklyn Daily Eagle, which is of such local interest that it is here re-printed for the benefit of Appeal readers:

It would be well for all the States of the Union if they had divorce laws as liberal as those of Nevada.

More liberality in the divorce laws of the States would result in a restricted use of the instrument of divorce.

The divorce laws of the State of Nevada are no more liberal than were the recommendations contained in the majority report of the British Royal Commission appointed to investigate the subject, and only a little more liberal than the report of the Divorce Congress of 1906.

Seventy-five per cent of those who seek divorces in the courts of Reno are New Yorkers—members of the upper stratum of society.

The great increase in divorces is chiefly due to the emancipation and independence of womanhood.

New York Divorce Laws Absurd

"The divorce laws of Nevada will never be changed," said Mr. Smith, "and it would not be good if they were. In New York your divorce laws are absurd. The degree of proof required before either party can procure a divorce on statutory grounds is ridiculous."

"If a man or woman desires a divorce, why throw an obstacle in their way? They are happier apart. My experience tells me that 60 per cent of first marriages are unhappy, and that once divorced only a small percentage of divorces have any desire to again venture out on the matrimonial sea; about one-third of them, as a matter of fact."

"During the year 1911 there were in the United States 98,000 divorces granted, and out of that number only 500 were granted in Reno. Out of the 500 divorces 400 were what might be termed 'migratory'; that is, the applicants had formerly lived in New York."

SWEENEY
SHIPPING
REAL ORESHIPPING ORE OR GREATER
IMPORTANCE AT PRESENT
THAN POLITICS

Attorney James G. Sweeney departed for his Carson Valley mining properties on the Sunday morning train, all fitted for a stay of several days, and the Appeal man regrets that the necessity of getting out the best paper in this section, promptly on time, prevented his acceptance of the invitation to accompany him.

Mr. Sweeney says that the Governorship of the State of Nevada nor any other office politically is bothering him but little these days. The fact that beginning to-day five large freight teams begin to haul the pile of ore from the mine dumps to the shipping point is of far greater importance to him than anything the Republican makers of Democratic states have to say of his chances or what the stacked deck of cards may read to those who want and can make them read anything they please when it comes to political fortune telling.

Reno Divorces but Small Percentage

"In the years 1911 and 1912 1,000 divorces were granted in Reno. In the year 1912 103,000 were granted in the entire Union, so that it will be seen that the Reno divorces make up but a very small percentage of the whole."

"The Nevada law stands to-day word for word as it was originally passed by the first Territorial Legislature in 1861, excepting that in 1875 the 'desertion' and 'neglect to provide' periods were changed from two years to one."

Mr. Smith declared that not only did the large majority of those who sought divorces come to Nevada from this city, but that they did so because it was the only state in which they could obtain any adequate relief in the courts, or else "continue to live in torments that matrimonial unhappiness had forced upon them."

Barriers to Divorce Incentive to Murder

"If they do not leave New York they must remain forever debarred from the hope and the right to contract another and a happier marriage—unless the other spouse will conveniently die," he said. "This makes a strong incentive for murder, and it is a well-known fact that there have been many murders which would not have occurred had divorce been possible. More than this, when divorce is so hard and expensive, a tendency is created for people to establish unconventional relations—at which the church and society will wink, and which the State is powerless to eradicate."

Mr. Smith denounced the practice which exists in this state of granting a divorce from bed and board. This he said, left a woman still a wife in name and in law and incapable of contracting another and perhaps happier marriage, although her husband might have been a brutal drunkard, a thief or a felon—even incarcerated for life in a prison. It is a relic, he declares, of barbarism and of those ages when the church controlled domestic relations and men treated wives as chattels.

DRILL TEAM
DEMANDS
CARSONARRANGEMENTS FOR DRILL-
ING MATCH ARE BEING
BROUGHT TO CLOSE

Mike Grevic showed the Appeal last evening a telegram from the challenging Rochester team in which they said they would drill Grevic and Hughes in Reno on September 28th for two hundred and fifty dollars a side and that all they wanted was a square deal.

Mike answered them that as a square deal was all they wanted he and Hughes would insist upon the match taking place in Carson, on the same rock and under the auspices of the Labor Day Committee, as he and Hughes knew that this would insure all parties a square deal.

Should the match take place in Carson, as now looks likely, Hughes and Grevic will insist on two weeks' further time in which to get into proper condition, as they have loafed since their Labor Day match while the Rochester team is working every day and practicing nightly.

Interesting Political Review
A Tri-Weekly FeatureCurrent Events Tersely Put
and Holding Much Interest
For the Appeal Readers

(By GEORGE H. CORLISS)

Oscar J. Smith in New York

Oscar J. Smith, Esq., formerly of the Reno bar, has opened law offices at 42 Broadway, suite 641, New York City.

Newlands was There

On the platform with Secretary of State William J. Bryan, when he delivered his last Chautauqua lecture of the season at Warrentown, Pa., the other night was Senator Francis G. Newlands of Nevada. One of the biggest crowds that community has ever seen turned out to welcome their distinguished guests.

Would Make Admirable Candidate

"Judge Geo. F. Talbot of the Nevada Supreme Court," remarks the Elko Independent, a newspaper of progressive ideas, "would make an admirable candidate for Governor. It is agreed that his nomination would unite the discordant elements in the party, and that a united Democracy would result in Talbot's election by a very decisive majority. The Independent has no means of knowing Chief Justice Talbot's views on the matter but it is assured that he could carry Elko County and the Eastern part of the State by an overwhelming majority in the primary and at the election if he should decide to enter the contest."

What the Elko Independent has said concerning Chief Justice Talbot needs no comment. The people of this State have shown great wisdom in their selection of the Justices of the Supreme Court as at present constituted—George F. Talbot, Frank H. Norcross and P. A. McCarran—three

men of exceptional ability as Judge of the highest legal tribunal in the State.

Unethical Proceedings

There is a rumor in circulation that disbarment proceedings may be instituted against a certain Reno attorney for having prosecuted a suit for a plaintiff, after the defendant, a professional man, had entrusted certain matters concerning his private affairs to the attorney in a confidential capacity.

Nevadans Know Sulzer

Governor Sulzer of New York, now under impeachment, appears to be known to a large number of Nevadans. William Sulzer of New York, was born in Elizabeth, N. J., March 18, 1863; admitted to practice law in New York City at a general term of the Supreme Court in 1884; was a member of the New York Legislature in 1890, 1891, 1892, 1893 and in 1894; in 1893 he was Speaker of the Assembly, was a delegate to the National Conventions in 1896, 1900, 1904, and 1908; was elected to the 54th, 56th, 57th, 58th, 59th, 60th, and 61st, Congresses, and re-elected to the 62d Congress.

They All Like It

If you are interested in the political affairs of the State and want to keep in touch with current events send in your subscription to the Carson City Daily Appeal at once, and read the political column in the Monday, Wednesday and Saturday issues. All the big people of the State are talking about this new feature in the Carson Appeal.

A GIRL SPY
IN MEXICO

LUBIN'S 2- REEL SPECIAL

Harry Lawrence, the Spanish Cowboy Pianist and Singer, will play and sing the following songs:

"It's Apple Blossom Time in Normandy" and "A Girl in the Heart of Maryland."

All the latest and most popular songs of the East and West will be heard at the Grand from time to time also Pictured Melodies.

The following picture program is also to be shown to-night:

WINTER IN ENGADENE, IN SWITZERLAND. (Pathe). Some fine views of snow-covered mountains and villages nestling among them.

LIQUID AIR. (Pathe).—An interesting demonstration of the possibilities of liquid air.

(2-Reel Special).—A GIRL SPY IN MEXICO. (Lubin).—A picture which gives a vivid portrayal of the Mexican senorita. For love she will dare anything, even death. The military atmosphere is perfect, the picture being taken in Nogales on the Mexican border, half the town being in Arizona and the other half in Mexico.

A RELUCTANT CINDERELLA. (Ed.).—A modern story in a farcical vein and will surely please.

The new Nazimovia Dress will be shown on Living Models at the Fashion Show. Gray, Reid, Wright Co.

LOST, STRAYED OR STOLEN.—One thoroughbred Holstein Bull, branded on left hip with arrowhead. Suitable reward paid for return or for information. SAM P. DAVIS, Phone 531.

AUTO ACCIDENT
NOT SERIOUS

A highly exaggerated story is in circulation about the streets to-day concerning a supposed serious automobile accident on the King's Canyon road yesterday.

Mr. P. H. Petersen and family, consisting of his wife and daughter and their two little girls took one of their first out-of-town trips in their new Ford touring car and in attempting to turn out on a narrow portion of the road, Mrs. Petersen, the daughter, who was driving, miscalculated the pitch of the bank with the result that she ran the car upon the sidling ground upon an angle on which it could not stand and very quietly laid over on its side.

The occupants of the car soon righted it and when the Appeal man viewed it in the garage to-day it was as good as new with the exception of a badly bent fender and lamp. All of the occupants escaped unhurt.

Mr. LeBrun will lead the models at the Fashion Show. Gray, Reid, Wright Co.

TO BEGIN CAPITOL WORK

The Sellman Brothers Construction Company are to-day making preparations to begin work during the coming week on their contract at the Capitol. Work will now be pushed as rapidly as possible so as to get as much done as can be accomplished before snow flies.

Dick Bills and Jack Fell left here Saturday afternoon with two eight-horse teams to build a road from the Golden Gate Mine to Minden, and as soon as the road is finished they will begin to haul ore to the railroad.